IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

Bail Appl..No. 1538 of 2007()

Crime No.75/2007 of Perinthalmanna Police Station

: PETITIONERS/ACCUSED 2 TO 5

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1. NIYAS,AGED23,S/O.MOIDEENKUTTY @ KUNHAPPA,PANGINIKKADAN HOUSE,KADANNAMANNA P.O, MALAPPURAM.

2. LIYAS @ BIJU, AGED 20,S/O.MOIDEEN KUTTY, @KUNHAPPA,PANGINIKKADAN HOUSE,KADANNAMANNA P.O, MALAPPURAM.

3. NASEER P.O,AGED 24,S/O.MOHAMMED, PARACHOLA,PALAMPADIYIL HOUSE,VELLILA P.O.,MANKADA, MALAPPURAM.THATHENGALAM,MANNARKKAD.

4. NIJIL C.P,AGED 25,S/O.ALIYAR, CHERUPARAMBATH HOUSE,VELLILA P.O.,MALAPPURAM.

BY ADV. SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH

RESPONDENTS: RESPONDENT/COMPLAINANT

STAT REPRESENTED BY THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA,REPRESENTING THE SI OF POLICE,PERINTHALMANNA.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1538 OF 2007 B

Dated this the 16th day of March, 2007

O R D E R

Petitioners, who are accused Nos.2 to 5 in Crime No.75/2007 of Perinthalmanna Police Station for offences punishable under sections 143, 147, 148, 341, 323, 354 and 308 read with section 149 IPC, seek anticipatory bail.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that this is the second application for anticipatory bail.

3. The case of the prosecution is that on 19.1.2007 at about 4.15 p.m. the petitioners attacked the defacto complainant, his parents, sister and brother-in-law, who were travelling in a Maruti car after chasing a motor bike and outraged the modesty of the mother of the defacto complainant. The defacto complainant had sustained injuries in the occurrence.

4. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioners should not surrender before the Investigating Officer for the purpose of interrogation and then to have their application for regular bail considered by the Magistrate. Accordingly, the petitioners are directed to surrender before the

Investigating Officer on any day between 21.3.2007 and 23.3.2007 for the purpose of interrogation and recovery of incriminating materials, if any. The petitioners shall, thereafter, be produced on the same day before the Magistrate having jurisdiction. The Magistrate shall consider and dispose of the application, if any, filed by the petitioners for regular bail, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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